

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1394

March 21, 2013

SUMMARY OF BILL: Prohibits a Tennessee delegate to an Article V Constitutional Convention from voting to allow the consideration of or approving an unauthorized amendment for ratification to the United States Constitution. Any delegate casting such a vote will be immediately recalled and replaced by an alternate. Requires each delegate to take an oath to uphold the state and federal constitutions and to not vote to consider, approve, or propose any unauthorized amendment for ratification to the United States Constitution. A violation of such oath is punishable as a Class E felony. Requires the General Assembly or an official or committee so authorized by a joint resolution of the General Assembly to certify in writing to the Convention the selection of delegates and alternates, any recall and replacement of delegates with alternates, and nullification of any unauthorized votes cast by Tennessee Delegates.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$5,700/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been one admission each year for the past 10 years for the Class E felony of official misconduct. DOC assumes one additional Class E felony every five years.
- According to DOC, the average operating cost per offender per day for calendar year 2013 is \$64.17.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- The average time served for a Class E felony is 1.21 years.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every five years serving 1.21 years (441.95 days) for an annualized total cost of \$5,672 [(\$64.17 x 441.95 days) / 5].
- Due to the low number of convictions this bill would create, it is assumed that the courts, district attorneys general, and district public defenders can accommodate any impact to the caseloads within existing resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc